SEP 6 1996

# STATE OF ARIZONA

#### DEPARTMENT OF INSURANCE

No. 96A-125-INS

**ORDER** 

	-	
DEPT. OF BY R	Жsu Д	RANC

In the Matter of the Withdrawal of

COMPANY (NAIC No. 79260),

Petitioner.

NORTH TEXAS LIFE INSURANCE

On September 4, 1996, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal submitted "Recommended Decision of Administrative Law Judge", a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the recommendation, and enters the following order:

- 1. The recommended findings of fact and conclusions of law are adopted.
- 2. The Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission.
- 3. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and that the statutory deposit will be released to the Petitioner after the Department has received the following: (a) payment of examination expenses, if due; (b) payment of \$351.00 to the IERF; (c) a copy of Petitioner's Articles of Dissolution certified as filed by the Arizona Corporation Commission; and (d) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.

1	4. The sum of \$100.00 previously credited to the IERF will be refunded to the Petitioner,
2	pursuant to A.R.S. § 20-159.
3	5. The Petitioner will file its 1996 Annual Statement with the Department, together with all
4	applicable fees, unless Petitioner files its Article of Dissolution with the Arizona Corporation Commission
5	on or before December 31, 1996.
6	NOTIFICATION OF RIGHTS
7	The aggrieved party may request a rehearing with respect to this Order by filing a written petition
8	with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth the basis
9	for such relief pursuant to A.A.C. R20-6-114(B).
10	The final decision of the Director may be appealed to the Superior Court of Maricopa County for
11	judicial review pursuant to A.R.S. § 20-166.
12	EFFECTIVE this day of September, 1996
13	
14	Interest in a
15	Director of Insurance
16	A copy of the foregoing mailed this 6 th day of September, 1996
۱7	Charles R. Cohen, Deputy Director
18	Gregory Y. Harris, Executive Assistant Director  Mary Butterfield, Assistant Director
19	Catherine O'Neil, Assistant Director  Gary Torticill, Assistant Director
20	Deloris Williamson, Assistant Director Scott Greenberg, Business Administrator
21	Rose McNabb, Solvency Support Unit Supervisor Kurt Regner, Examiner
22	Arizona Department of Insurance 2910 North 44th Street, Suite 210
23	Phoenix, AZ 85018

1	
2	Office of Administrative Hearings 1700 West Washington, Suite 602 Phoenix, AZ 85007
3	
4	Nicholas C. Guttilla Guttilla & Murphy 4150 West Northern Avenue
5	Phoenix, AZ 85051
6	Language O Parish
7	Rosemary D. Padella
8	
9	
10	
11	
12	
13	
14	
15	
16	:
17	
18	
19	
20	
21	
22	
23	

# IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Withdrawal of:

No. 96A-125-INS

STATE OF ARIZONA RECENT-

5 1996

NORTH TEXAS LIFE INSURANCE **COMPANY** (NAIC #79260),

RECOMMENDED DECISION DIRECTOR'S COLUMB **LAW JUDGE** 

INSURANCE DEPT.

SEP

Petitioner.

**HEARING:** August 26, 1996

**APPEARANCES:** Nicholas C. Guttilla, Esq. for the Petitioner and Kurt Regner for the Arizona Department of Insurance.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

Based upon the entire record of this matter, the following Recommended Findings of Fact, Conclusions of Law and Proposed Order are made:

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1. The Petitioner has surrendered its Certificate of Authority to the Department.
- 2. The Petitioner has filed with the Department certified copies of Resolutions of the Petitioner's Board of Directors and of the Petitioner's shareholder(s) authorizing Petitioner to withdraw from the insurance business by dissolution.
- 3. The Petitioner has no insurance obligations owing to it, whether by policies written direct or by reinsurance ceded to it.
- 4. The Petitioner has filed its certified financial statement as of June 30, 1996 with the Department.
- 5. At least 10 business days before the hearing of this matter, Petitioner gave special notice to creditors and policyholders of the Petitioner, setting forth the date, place, nature and purpose of the hearing, as evidenced by the affidavit of publication.

Office of Administrative Hearings 1700 West Washington, Suite 602 Phoenix, Arizona 85007 (602) 542-9826

2 3

> 4 5

6 7

8 9

10 11

12

13

14 15

16

17 18

19

20 21

22

23 24

25 26

27 28

29

30

Petitioner also certified that it has no creditors in the State of Arizona and has no remaining obligations or liabilities in the State of Arizona.

- 6. The Petitioner has a \$100,000.00 statutory deposit with the Department and a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").
- 7. The Petitioner has complied with the provisions of A.R.S. §20-588 and with A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.
- 8. The Department may have incurred examination expenses as a result of this withdrawal.
  - 9. Petitioner currently owes \$351.00 to the IERF.

### RECOMMENDED ORDER

The undersigned Administrative Law Judge recommends that:

- 1. The Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission.
- 2. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and that the statutory deposit shall be released to the Petitioner after the Department has received the following: (a) payment of examination expenses, if due; (b) payment of \$351.00 to the IERF; (c) a copy of Petitioner's Articles of Dissolution certified as filed by the Arizona Corporation Commission; and (d) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.
- 3. The sum of \$100.00 previously credited to the IERF be refunded to the Petitioner, pursuant to A.R.S. §20-159.

4. The Petitioner file its 1996 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Article of Dissolution with the Arizona Corporation Commission on or before December 31, 1996.

Done this day, September 4, 1996.

LEWIS D. KOWAL

Administrative Law Judge

Original transmitted by mail this \_\_\_\_\_ day of September, 1996, to:

John King, Director ATTN: Curvey Burton Department of Insurance 2910 North 44th Street, #210 Phoenix, AZ 85018-7256

By Chris Crawford